

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 446 be amended to read as follows:

- 1 Page 1, line 15, delete "less" and insert "**more**".
- 2 Page 4, between lines 31 and 32, begin a new paragraph and insert:
- 3 "SECTION 5. IC 36-9-23-32 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 32. (a) Fees assessed
- 5 against real property under this chapter or under any statute repealed by
- 6 IC 19-2-5-30 constitute a lien against the property assessed. The lien is
- 7 superior to all other liens except tax liens. Except as provided in
- 8 subsections (b) and (c), the lien attaches when notice of the lien is filed
- 9 in the county recorder's office under section 33 of this chapter.
- 10 (b) A fee is not enforceable as a lien against a subsequent owner of
- 11 property unless the lien for the fee was recorded with the county
- 12 recorder before the conveyance to the subsequent owner. If the property
- 13 is conveyed before the lien can be filed, the municipality shall notify
- 14 the person who owned the property at the time the fee became payable.
- 15 The notice must inform the person that payment, including penalty fees
- 16 for delinquencies, is due not ~~less~~ **more** than fifteen (15) days after the
- 17 date of the notice. If payment is not received within one hundred eighty
- 18 (180) days after the date of the notice, the amount due may be expensed
- 19 as a bad debt loss.
- 20 (c) A lien attaches against real property occupied by someone other
- 21 than the owner only if the utility notified the owner within twenty (20)
- 22 days after the time the utility fees became sixty (60) days delinquent.
- 23 However, the utility is required to give notice to the owner only if the
- 24 owner has given the general office of the utility written notice of the
- 25 address to which his notice is to be sent.
- 26 (d) The municipality shall release:
- 27 (1) liens filed with the county recorder after the recorded date of
- 28 conveyance of the property; and
- 29 (2) delinquent fees incurred by the seller;
- 30 upon receipt of a verified demand in writing from the purchaser. The
- 31 demand must state that the delinquent fees were not incurred by the
- 32 purchaser as a user, lessee, or previous owner, and that the purchaser

- 1 has not been paid by the seller for the delinquent fees.".
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 446 as printed February 11, 2005.)

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Senator GARD